

Notice of Allowability

Application No.

09/762,800

Examiner

Daniel S. Metzmaier

Applicant(s)

KLEINSTUCK ET AL

Art Unit

1712

eb

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' initiated interview of 28 & 30 Jan. 2004.
2. ☒ The allowed claim(s) is/are 1-3,5 and 14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>302004</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

Claims 1-3, 5 and 14 are allowed. Support for the amendments may be found on pages 4 and 5 of the specification.

Interview summary

1. Discussed with applicants' representative on January 28 and 30, 2004, the Advisory Action forwarded for processing 1/16/2004 and mailed 1/30/2004. Discussed with applicants' representative the issues remaining in the application and amendments to resolve said issues. Discussed with applicants' representative making amendments by examiner's amendment, which follow. Applicants authorized said amendments and authorized the charge to the deposit account number 50-2527 for a third month extension of time.

Examiner's amendment

2. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 30 January 2004, Diderico van Eyl requested an extension of time for three (3) MONTH(S) and authorized the Director to charge Deposit Account No. 50-2527 the required fee of \$530 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The amendments begin on the following page 3.

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1. (Currently Amended) A composition for water treatment comprising:

a) biodegradable organic polymers having repeating succinyl units,

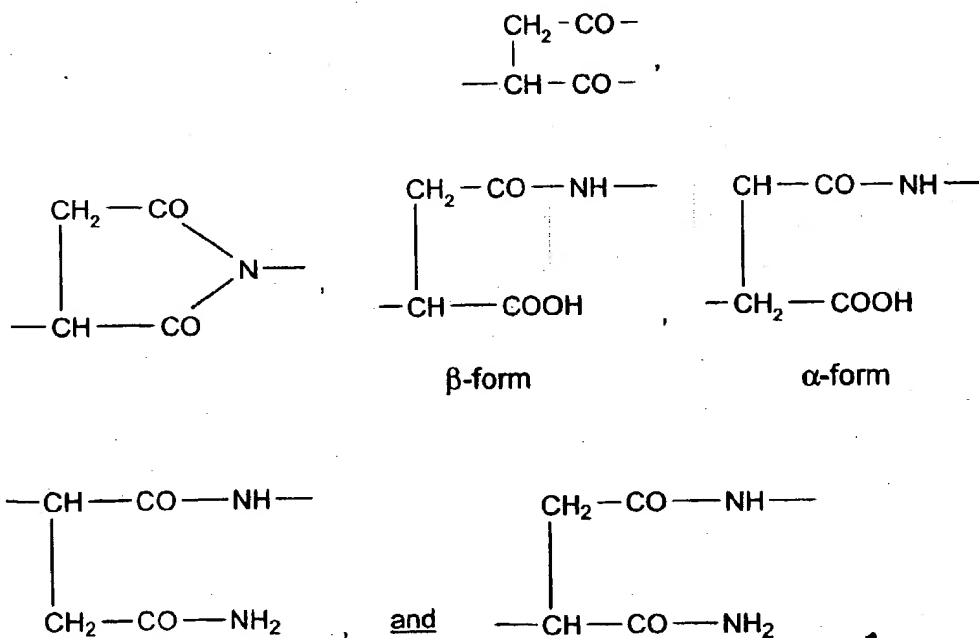
b) a biocidal oxidizing agent, and

c) an unsubstituted or substituted amidosulphonic acid, wherein the

unsubstituted or substituted amidosulphonic acid is present in a concentration sufficient to prevent or substantially reduce the reaction between a) and b).

2. (Previously Amended) The composition of Claim 1, wherein the amidosulphonic acid comprises $\text{H}_2\text{NSO}_3\text{H}$.

3. (previously amended) The composition according to Claim 1, wherein the biodegradable organic polymers have repeating succinyl units of the structures selected from the group consisting of:



4. (cancelled).

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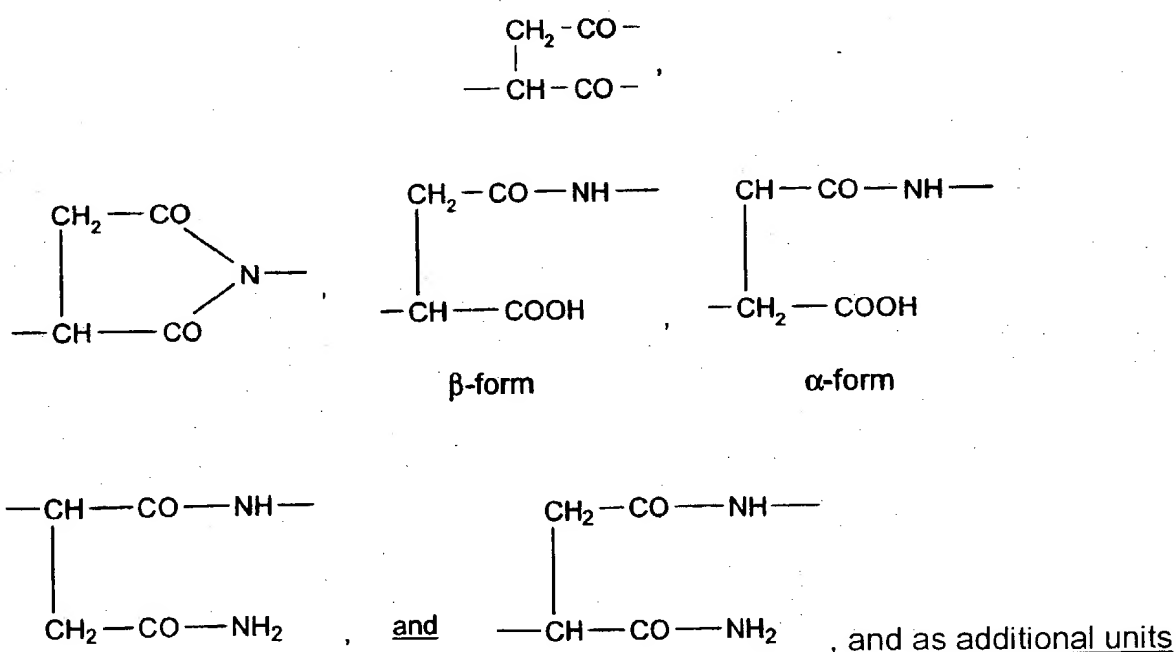
5. (previously amended) The composition according to Claim 1, wherein the biocidal oxidizing agent is hydrogen peroxide, chlorine, bromine, chlorine dioxide, hypochlorite, hypobromite or ozone; or a reaction product of: (i) a component selected from the group consisting of hydrogen peroxide, chlorine, bromine, chlorine dioxide, hypochlorite, hypobromite, and ozone; and (ii) water.

6-13. (cancelled).

14. (Currently Amended) A composition for water treatment comprising:

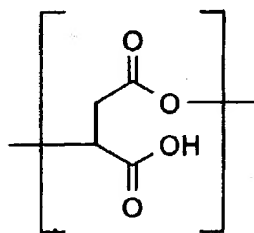
- a) biodegradable organic polymers having repeating succinyl units
- b) a biocidal oxidizing agent, and
- c) an unsubstituted or substituted amidosulphonic acid, wherein the

biodegradable organic polymers contain repeating units selected from the group consisting of the formulae:

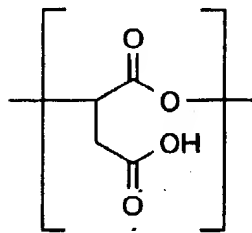


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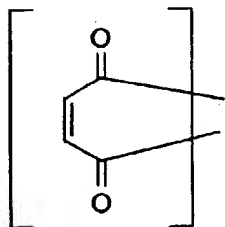
a) a₁ maleic acid units of the formula



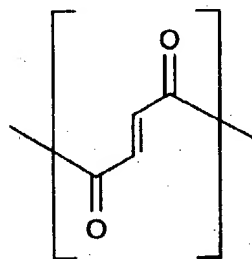
and



b) a₂ maleic acid and fumaric acid units of the formula



and



wherein the unsubstituted or substituted amlidosulphonic acid is present in a concentration sufficient to prevent or substantially reduce the reaction between a) and b).

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Reasons for allowance


2. The following is an examiner's statement of reasons for allowance: the amendments obviate the issues raised in the Office Action mailed August 13, 2003 and are made to make the claims read more clearly. The prior art does not disclose or fairly suggest the claimed compositions employing an amidosulphonic acid in a concentration sufficient to prevent or substantially reduce the reaction between a) and b).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM